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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,989	07/21/2005	Fabrice Bonacci	Q89022	7808

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
STIGELL, THEODORE J	

ART UNIT	PAPER NUMBER
3763	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/542,989	BONACCI, FABRICE	
	Examiner	Art Unit	
	Theodore J. Stigell	3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 March 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12 and 17-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12 and 17-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The amendment filed 3/5/2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: There is no disclosure in the original claims or specification of which elements correspond to a means for releasably coupling the piston to a front head of the pusher or a releasable means for securing the syringe to a front face of the injector. The Examiner suggests eliminating the means plus function language and reciting the structure in the claims.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 12 and 17-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. See the objection above.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 17-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It appears that the Applicant has directed the claims to the embodiment of Figures 9-16, which seems to have a recess with a circular cross section (half disk 21). It is unclear to the Examiner how the device can have a non-circular cross-section as is claimed in the independent claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 12 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Armbruster et al. (5,322,511). Armbruster discloses an angiographic injection system (10) comprising an axially-movable pusher (30) having a front end, at least one

angiographic syringe (12) including a body provided with an outwardly-projecting projection (52) at a proximal end of the body, a cross-section of the body at said projection being non-circular, said projection being constituted by two diametrically-opposite tabs (opposite sides of 52), the syringe also comprising a piston (48) movably disposed in the body, said piston being provided with means (46) for releasably coupling the piston to a front head of the pusher, and releasable means, for securing the syringe to a front face of the injector, the releasable means comprising a support device (front end of 16) secured to the front face of the injector, the support device including a recess (not numbered, see Figure 1) that is open in a reception direction and presents firstly a non-circular cross-section that is complementary to a portion of the cross-section of the syringe body at the location of said projection, and secondly a front face (inside of recess, not numbered) for coming into abutment against said projection, the device being extended forwards by a cradle (Figure 1) for supporting the syringe body, wherein the recess includes a central portion that is circularly arcuate in cross-section, and that is extended by two diametrically-opposite notches, each said projection being adapted to be received in one of the notches in such a manner as to be positioned thereby, wherein said central portion extends the inside surface of the cradle, wherein, starting from the position in which the syringe is secured, the system is arranged in such a manner that turning the syringe through 90° causes it to be lifted by one of the tabs cooperating with the bottom of the associated notch, then with said central portion, whereby the piston and the pusher are disconnected, the syringe then being removable in a forward direction, even if the pusher is engaged inside the body of

the syringe, by a sliding movement of said one tab, along said central portion, and then along said inside surface of the cradle (see Figure 2, the recess that the tabs 52 would be located in if turned 90 degrees is very small and would easily slide over the recess onto the cradle even if the pusher were still in the syringe body), wherein the reception direction is upward, wherein the notch is connected to a convex curved surface, wherein the recess is rearwardly open and the front face of the injector forms the rear face of the recess, and wherein the head of the pusher and the piston have a peg and slot formation between them.

Claims 12 and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Spohn et al. (2004/0116893). Spohn discloses an angiographic injection system (5) comprising an axially-movable pusher having a front end, at least one angiographic syringe (20) including a body provided with an outwardly-projecting projection (22) at a proximal end of the body, a cross-section of the body at said projection being non-circular, said projection being constituted by two diametrically-opposite tabs (22a,22b), the syringe also comprising a piston movably disposed in the body, said piston being provided with means for releasably coupling the piston to a front head of the pusher, and releasable means, for securing the syringe to a front face of the injector, the releasable means comprising a support device (60) secured to the front face of the injector, the support device including a recess (recess behind 68a,68b) that is open in a reception direction and presents firstly a non-circular cross-section that is complementary to a portion of the cross-section of the syringe body at the location of said projection, and secondly a front face (68a,68b) for coming into abutment against

said projection, the device being extended forwards by a cradle (66a) for supporting the syringe body, wherein the recess includes a central portion that is circularly arcuate in cross-section, and that is extended by two diametrically-opposite notches, each said projection being adapted to be received in one of the notches in such a manner as to be positioned thereby, wherein said central portion extends the inside surface of the cradle, wherein, starting from the position in which the syringe is secured, the system is arranged in such a manner that turning the syringe through 90° causes it to be lifted by one of the tabs cooperating with the bottom of the associated notch, then with said central portion, whereby the piston and the pusher are disconnected, the syringe then being removable in a forward direction, even if the pusher is engaged inside the body of the syringe, by a sliding movement of said one tab, along said central portion, and then along said inside surface of the cradle (66a), wherein the reception direction is upward, wherein the notch is connected to a convex curved surface, wherein the recess is rearwardly open and the front face of the injector forms the rear face of the recess, and wherein the head of the pusher and the piston have a peg and slot formation between them.

Response to Arguments

Applicant's arguments filed 3/5/2007 have been fully considered but they are not persuasive. In response to the Applicant's argument that Armbruster does not disclose a central portion being "flush" with the inside surface of the cradle, the Examiner respectfully disagrees. The Examiner notes that "flush" does not appear anywhere in the claims and therefore this limitation cannot be read into the claim.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theodore J. Stigell whose telephone number is 571-272-8759. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Theodore J. Stigell

ANHTUAN T. NGUYEN
SUPERVISORY PATENT EXAMINER
5/14/07